

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION**

James Ragland,

Petitioner,

v.

David Paul, Warden,

Respondent.

Case No.2:23-cv-2294-RMG

**ORDER**

This matter is before the Court on the Report and Recommendation (“R&R”) of the Magistrate Judge, recommending that the Court dismiss Petitioner’s petition for habeas corpus, filed pursuant to 28 U.S.C. § 2241, for lack of prosecution and failure to respond to Respondent’s motion to dismiss. (Dkt. No. 27). The Magistrate Judge issued an order extending the deadline for Petitioner to file a response to the motion to dismiss but he failed to respond. Further, Petitioner has failed to file any objections to the R & R after being placed on notice that a failure to respond would result in limited clear error review by the District Court and a waiver of the right to appeal the District Court’s order. (*Id.* at 3).

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). This Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where the plaintiff fails to file any specific objections, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation,” *see Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310,

315 (4th Cir. 2005) (internal quotation omitted), and this Court is not required to give any explanation for adopting the recommendation of the Magistrate Judge, *Camby v. Davis*, 718 F.2d 198 (4th Cir. 1983).

After a careful review of the record in this matter and the R&R, the Court finds that the R&R ably summarizes the legal and factual issues in this matter and correctly concluded that Petitioner's petition should be dismissed for lack of prosecution and failure to comply with the orders of the Court.

The Court adopts the R&R of the Magistrate Judge (Dkt. No. 77) as the Order of the Court and dismisses this action with prejudice.

**AND IT IS SO ORDERED.**

s/ Richard M. Gergel  
Richard M. Gergel  
United States District Judge

December 11, 2023  
Charleston, South Carolina